

REMARKS

The Official Action mailed October 24, 2003, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicants respectfully submit that this response is being timely filed.

The Applicants note with appreciation the consideration of the Information Disclosure Statement filed on May 13, 1999.

Claims 1-7, 10, 11 and 25-46 were pending in the present application prior to the above amendment. Claim 42 has been canceled, independent claims 1, 3 and 41 have been amended to better recite the features of the present invention, and claims 3-6, 32, 37, 38 and 44 have been amended to correct minor typographical and grammatical errors in the claims. The Applicants note with appreciation the allowance of claims 5-7, 10, 11, 25-40 and 42 (page 4, Paper No. 29). Accordingly, claims 1-7, 10, 11, 25-41 and 43-46 are now pending in the present application, of which claims 1, 3, 5, 10, 25, 27, 31, 37, 38 and 41 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 2 of the Official Action rejects claims 1-4 as obvious based on the combination of JP 07-230101 to Masaya et al. and U.S. Patent No. 6,249,327 to Murade et al. The Applicants respectfully submit that a *prima facie* case of obviousness cannot be maintained against the independent claims of the present invention, as amended.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim

limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims, as amended. Independent claims 1 and 3 have been amended to recite features similar to that of the allowed claims. Specifically, independent claims 1 and 3 have been amended to recite that a dielectric multi-layer film comprises a material selected from the group consisting of SiO₂, MgF₂, Na₃AlF₆, acrylic, polyimide, TiO₂, ZrO₂, Ta₂O₅, ZnS, ZnSe, ZnTe, Si, Ge and Y₂O₃. Masaya and Murade, either alone or in combination, do not teach or suggest at least this feature of the present invention.

Since Masaya and Murade do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

Paragraph 3 of the Official Action rejects claims 41, 44 and 45 as obvious based on the combination of U.S. Patent No. 6,108,056 to Nakajima et al. and Masaya. Paragraph 4 of the Official Action rejects claim 43 as obvious based on the combination of Nakajima, Masaya and Murade.

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims, as amended. Independent claim 41 been amended

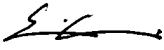
to include the features of allowable dependent claim 42. Specifically, independent claim 41 has been amended to recite that a reflection layer comprises at least first, second, third and fourth laminated dielectric layers where each of the first and third dielectric layers comprises a material selected from the group consisting of SiO_2 , MgF_2 , Na_3AlF_6 , acrylic and polyimide, and each of the second and fourth dielectric layers comprises a material selected from the group consisting of TiO_2 , ZrO_2 , Ta_2O_5 , ZnS , ZnSe , ZnTe , Si , Ge and Y_2O_3 . Nakajima, Masaya and Murade, either alone or in combination, do not teach or suggest at least this feature of the present invention.

Since Nakajima, Masaya and Murade do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

The Applicants note that dependent claim 46 has not been formally rejected in the Official Action. For at least the reasons set forth above, it is respectfully submitted that claim 46 is allowable.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,



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